



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2202165

Applicant Name: Liz Carrasquero for Cingular Wireless

Address of Proposal: 610 Southwest Roxbury Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a minor communication utility (Cingular Wireless) consisting of six panel antennas (3-sector) attached within a new 60 ft flagpole. Project includes equipment cabinet to be located at the base.

The following approvals are required:

Administrative Conditional Use - to allow a minor communication utility in a Single Family Zone (SMC Section 23.57.010).

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject site is located between 6th Avenue SW and 7th Avenue SW in the White Center neighborhood in West Seattle. The large, triangular site is zoned Single Family- ("SF") zoned area, as

are substantial areas to the north, east and west. It is the property presently occupied by the Sunrise Evangelical Free Church building and parking lot. The surrounding zoning in the area is primarily Single family 7200 and further to the east of the property is zoned Lowrise 1 and 2 multifamily.

Proposal

The applicant proposes to establish the use for the installation of three sector antenna array with two antennas per sector, for a total of six antennas. The proposed antennas will be mounted on a new sixty foot (60') flagpole, with radio equipment on a concrete slab on grade. The cabinet equipment will occupy approximately 450 sq. ft. area and will be screened with view obscuring slats inserted in a chained linked fence. The proposed minor communication utility facility will be located in the portion of the property that is covered with natural vegetation and deciduous trees. Access to the site would be from the existing parking lot.

Comments

This proposal was originally required to obtain a Council Conditional Use permit. Ordinance 120928, effective November 1, 2002, revised this requirement to be an Administrative Conditional Use. The project received revised notice of application and no comment letters were received during public comment period which ended on July 31, 2002.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT

The establishment of a Minor communication utility may be permitted by Administrative Conditional Use Permit when the proposal satisfies criteria set forth in SMC 23.57.010 C2 as follows:

- a. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed flagpole/stealth monopole would be located in a Single Family 7200 residential zone. The proposed antennas will be mounted on the side of the 60-foot flagpole/stealth monopole. The site is a church property. Existing development on the site are the existing church building, the church parking lot and a significant portion of the site towards the north property line is undeveloped, including area along the northwest, north and northeast property lines. The proposal will not be significantly detrimental to the residential character of the surrounding because it is proposed in the portion of the site that is undeveloped. The portion of the subject site is covered with natural vegetations, tall coniferous and deciduous trees, shrubs and vines. This area of the site with its natural vegetations is the least intrusive portion of the Church property. The flagpole/Stealth monopole with internal antennas would be located near the northwest corner of the site with the surrounding natural vegetations. The monopole is located 58 ft from the west property line and would maintain a 90 ft setback from the north property line and 180 ft from the east and south property lines. The antennas would be inside the flagpole/stealth

monopole and the proposed location is the least intrusive location on this church property and the Single Family 7200 zone consistent with effectively providing service and in considering minimizing detrimental impacts and the degree of intrusiveness. Furthermore, at the proposed location, impacts such as, but not limited to visual by painting the antennas to match the exterior color of the flagpole/Stealth, noise level estimated to be below the ambient level of the Single Family 7200 zone according to the project acoustics' report, the proposal would be compatibility with uses allowed in the zone, traffic, and since no housing or structure will be removed therefore, the proposal will not result in displacement of residential dwelling units.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be significantly detrimental to the residential character of the surrounding neighborhood. Given the existing natural conditions of the site location, the flagpole/Stealth design of the monopole, and screen fencing around the associated equipment cabinet, the proposed minor communications utility would be minimally obtrusive and will not be detrimental to the residential streetscape character of this White Center neighborhood.

- b. The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible by the design of the flagpole/stealth monopole in order to screen and camouflage the antenna location on this. Also, the surrounding tall coniferous and deciduous trees, shrubs and vines provide additional mitigation to any visual impact. The associated cabinet equipment will be located at grade and screen by a view obscuring fence.

- c. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

- i. the antenna is at least one hundred feet (100') from a MIO boundary; and*
- ii. the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay; therefore, this provision is not applicable.

- d. If the minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following: (i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and (ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.*

The proposed antennas will be on a flagpole/stealth monopole. The proposed minor communication facility would be 60 feet high and exceeds the 30 feet height limit of this single family zone. However, at 60 feet height the proposed flagpole/stealth monopole would not cause view blockage and shadow impacts in the area because of the existing tall trees surrounding the proposed monopole.

Due to the operational characteristics of the facility proposed, a clear line of site from the antennas in the system throughout the intended coverage area is necessary to ensure the quality of the transmission of the digital system. The strict application of the standards would preclude the applicant from providing wireless services for the intended coverage area, which includes White Center, Roxbury and the Meyers Way Neighborhood. The site was chosen because its elevation and location are uniquely suited to serve the adjoining residential and commercial areas. No commercial properties were identified with sufficient elevation height to provide the coverage needed to meet the service objectives. The additional height above the zone development standard is the minimum required to place the structure on a 60-foot tall flagpole/stealth monopole to obtain sufficient coverage. The ground level alternative is technically unfeasible and would potentially face significant citizen opposition. This flagpole/Stealth monopole would be less visually intrusive in this location as proposed because of the existing natural vegetation surrounding the facility. According to the applicant, the literal interpretation and strict application of the Land Use Code would be that Cingular Wireless, Inc could not meet its federal mandate of its FCC license to provide high speed wireless internet access throughout the Seattle metropolitan area. This proposal site at this elevation is a vital link in the planned network for the Seattle Metropolitan area. Given these alternatives, the height limit extension is a minimal impact. Thus, this criterion is satisfied.

- e. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The intended coverage area is one square mile radius from SW Cloverdale Street to the north to SW 108th Street to the south. SW Roxbury Street area from 18th Avenue SW to the west, Myers Way to the east. According to the information received by DCLU, the applicant proposed coverage area is the white center area. The area is surrounded by residential and commercial properties. This intended coverage area has a significant terrain drop to the east and to the west. The commercial properties are located in these terrain drops and location of the communication facility on these commercial properties would result in signal blockage. The Sunrise Evangelical Free Church property is situated on the crest of the hill although in a Single Family 7200 zone. This property location on the crest of the hill becomes a necessary location for the proposed flagpole and panel antennas from an engineering perspective because of the location to the service and coverage area, and height of the subject in the service area necessary to provide line of site transmission of cellular frequencies to the edge of the service area. Therefore, the subject site thus becomes a natural choice for this type of installation.

To minimize negative visual impacts, the proposed flagpole, panel antennas and the electronic cabinet equipment would be located in the portion of the property covered by natural vegetation, tall deciduous and coniferous trees which will shade the flagpole. Furthermore, the base will be screened with a view obscuring fence. Due to the placement of the minor communication utility in a natural environment characterized by natural vegetation and trees, there will not be substantial negative visual impacts on adjacent or nearby residential areas.

The proposed minor communication utility will not be substantially detrimental to the residential character of the area. Although the proposed flagpole/Stealth with the antennas would exceed the height limit for the underlying zone by approximately 15 feet, they would have relatively minor visual impacts, because they would be located within a flagpole. The flagpole has more than 20 ft setback from all the property lines and screened with fence and the natural vegetations and tall deciduous and coniferous trees in the portion of the property where it is proposed. Viewed from the north, the antennas would not appear out of character with the area, because prevailing views upward include numerous natural vegetations and trees and church building.

Equipment associated with the installation will be located within a small and unobtrusive cabinet located behind a solid, landscaped fence. There will be no outwardly visible signs or noticeable traffic associated with the use. In addition, no noticeable increase in traffic is expected.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a residential zone, which exceeds the height limit of the underlying zone is **Granted.**

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated April 22, 2002. Information in the checklist was supplemented by the other materials. The information in the checklist, supplemental information (including a letter from the Seattle-King County Department of Health), and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) states, in part, "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant pursuant to SMC 25.05.794 and no mitigation is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including increases in the following: bulk and scale on the site; demand for utilities and electromagnetic radiation emission. These long term impacts are not considered significant. Bulk impacts would be by compliance with the Land Use Code standards for minor communications utilities.

The antenna will emit electromagnetic radiation (EMR) 24-hours per day. The maximum power density generated by the proposal is calculated to be 1.0698 microwatts per square centimeter. The City's standard is set by Ordinance 116057 at 200 microwatts per square centimeter; the prevailing Occupational Exposure Standard is 590 microwatts per square centimeter for this type of facility. According to the letter of April 8, 2002 by David J. Pinion, P.E. of Hatfield and Dawson, Consulting Electrical Engineers, the proposed installation will generate a maximum of .0831% of the permissible standard set by the American National Standards Institute (ANSI) and Federal Communications Commission (FCC). The calculated maximum radiation from the facility will be below the ANSI standard and also below City standards. Observance of ANSI occupational exposure standards is required by the FCC for operation of the antenna. Observance of the City standard is required for issuance of use and building permits. As stated in the letter received with the application from the Seattle-King County Department of Public Health, the proposal complies with the electromagnetic standards of Ordinance 116057 (SMC Chapter 25.10.300.A), and has been approved by the Health Department as required by Ordinance.

The above-cited ordinance (Ordinance 116057, January 1992) was adopted specifically to ensure that the health and safety of the general public was protected from the adverse impact of electromagnetic radiofrequency radiation and to establish appropriate performance standards to minimize health risks to the general public. The ordinance comprehensively covers all sources of radiofrequency radiation and specifies radiofrequency radiation standards, measurement methods and permit requirements. During the review of this specific application, citizens raised concerns about the safety of electromagnetic radiation and submitted copies of reports detailing research results which formed the basis of their concerns. In early 1996, the Department reviewed the submitted and other materials (copies are in file) to determine if any significant changes had occurred regarding the health impacts of electromagnetic radiation since the Council initially reviewed and approved the ordinance. Generally, the results are inconclusive as to positive or negative impacts and indicate the need for additional research. The ordinance states that standards will be adjusted in conjunction with changes in the national ANSI standards.

In the unlikely event that any interference to consumer electronic devices (e.g. TV, radio, computers) and medical devices were to result from this proposal, the FCC has absolute authority to require the operator to close the facility until the interference is mitigated. Therefore, mitigation for electrical interference, pursuant to SEPA policies is not indicated.

The City's SEPA policy on Environmental Health is subject to the Overview Policy which states that when existing ordinances provide adequate protection, there is no basis for additional mitigation. At this time, no significant adverse health impacts to the general population are expected. The Department concludes that no further mitigation for EMR impacts, beyond the requirements of the Telecommunications Ordinance and the Land Use Code are warranted pursuant to SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

None.

CONDITIONS – SEPA

During Construction

The following conditions to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions shall be printed legibly on placards available from DCLU, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

1. The applicant shall limit external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m.

Signature: (signature on file) Date March 17, 2003
Onum Esonu, Land Use Planner & Supervisor
Public Resource Center
Department of Design, Construction and Land Use